

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

THERESA MARIE SIMEONE, et al.	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO. 02CV4852
	:	
BOMBARDIER-ROTAX GmbH & Co. KG, et al.,	:	<b>CERTIFICATION OF ROBERT J.</b>
	:	<b>KELLY, ESQ. IN SUPPORT OF</b>
Defendants.	:	<b>DEFENDANTS' MOTION TO</b>
	:	<b>DISMISS PLAINTIFFS'</b>
	:	<b>COMPLAINT AND MOTION FOR</b>
	:	<b>SUMMARY JUDGMENT</b>

---

I, ROBERT J. KELLY, Esq., of full age certifies as follows:

1. I am an attorney at law of the State of New Jersey and am a partner of the firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for Defendants, BRP-Rotax GmbH & Co. KG f/k/a Bombardier-Rotax GmbH & Co. KG, Bombardier, Inc. and Bombardier Corporation in the above-entitled matter.
2. I am in active charge of handling this file and in such capacity, am fully familiar with the facts stated herein.
3. Annexed hereto as Exhibit A is a true and accurate copy of the Plaintiffs' Complaint filed July 19, 2002 in State Court.
4. Annexed hereto as Exhibit B is a true and accurate copy of the Plaintiffs' Complaint filed in July 19, 2002 in the United States District Court.

5. Annexed hereto as Exhibit C is a true and accurate copy of Plaintiffs' First Amended Complaint filed in State Court.

6. Annexed hereto as Exhibit D is a true and accurate copy of Plaintiffs' First Amended Complaint filed in the United States District Court.

7. Annexed hereto as Exhibit E is a true and accurate copy of Josef Furlinger's Affidavit.

8. Annexed hereto as Exhibit F is a true and accurate copy of relevant excerpts of testimony from the deposition of Josef Furlinger dated December 3, 2004.

9. Annexed hereto as Exhibit G is a true and accurate copy of relevant excerpts of testimony from the deposition of Pascal Ronveaux dated April 30, 2002.

10. Annexed hereto as Exhibit H is a true and accurate copy of relevant excerpts of testimony from the deposition of Josef Furlinger dated December 13, 2002.

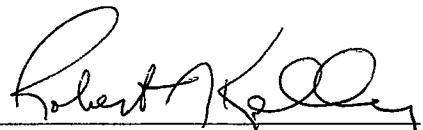
11. Annexed hereto as Exhibit I is a true and accurate copy of relevant excerpts of testimony from the deposition of Ronald Smith dated December 3, 2002.

12. Annexed hereto as Exhibit J is a true and accurate copy of an Order dated April 23, 2003 signed by the Honorable Garrett E. Brown, U.S.D.J. in the matter of *Koziol v. Bombardier-Rotax GmbH & Co. KG*, Case No. 00-1938 (D.N.J.)

13. Annexed hereto as Exhibit K is a true and accurate copy of an Order dated January 4, 2004 signed by the Honorable Gail Haggerty, U.S.D.J. in the matter of *Lipp v. Air Fun, Inc., et al.*, Case No. 01-C-1279 (State of North Dakota, Morton County)

14. Annexed hereto as Exhibit L is a true and accurate copy of defendants' Answer to Plaintiffs' First Amended Complaint.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



\_\_\_\_\_  
Robert J. Kelly

Dated: 12/21/04